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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,334	10/18/2000	Aninda Dasgupta	US 000013	5217

24737 7590 12/23/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

TRUONG, LECHI

ART UNIT PAPER NUMBER

2126

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/691,334	Applicant(s) DASGUPTA, ANINDA	
	Examiner LeChi Truong	Art Unit 2126	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

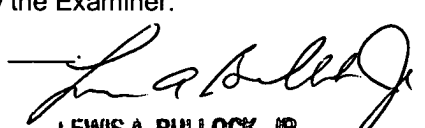
Claim(s) rejected: 1-24.

Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other: _____


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant amendment filed 11/02/2004 has been considered but they are not persuasive.

In the remark, applicant argued: (1) " APA lacks any mention that the digital audio playback device is controlled by the PC".

(1) " the digital audio playback device controls the user interface of the PC".

(3) " Gibbs also lacks any mention of bi-direction control between a digital audio playback device and a user interface of an external processing system".

(4) " Gibbs lacks any mention of bi-directional control between a processing system and a digital audio playback device".

30.

Examiner respectfully traversed applicant's remark:

As to point (1), " lacks any mention that the digital audio playback device is controlled by the PC" was not in the claim. However APA teaches the connected user interface executed by the PC may control a digital audio playback device (page 3, ln 20-24).

As to point (2), " the digital audio playback device controls the user interface of the PC" , " bi-directional" were not in the claim.

As to point (3), a user interface of an external processing system was not in claim. The user interface application program in the claims did not clearly belong to any specific device such as the PC or extenal device or digital audio playback device.

As to point (4), APA teaches the PC may control a digital audio playback device (page 3, ln 21-23). Gibbs also teaches the broadcast application transfer its scene hierarchy to an API which is part of the host software of the intelligent device 60 for generation of a user interface on display screen (the digital television 70), col 8, ln 36-40).